

To: Dinsmore, Andrew[Dinsmore.Andrew@epa.gov];
jennifer.roushey@state.de.us[Jennifer.Roushey@state.de.us]
Cc: McGuigan, David[McGuigan.David@epa.gov]; Zolandz, Mark[Zolandz.Mark@epa.gov];
Greenwald, Michael[Greenwald.Michael@epa.gov]; Ashby, Bryan A.
(DNREC)[Bryan.Ashby@state.de.us]
From: Bennett, James
Sent: Mon 9/18/2017 7:35:51 PM
Subject: RE: Question on EPA Enforcement for Mountaire Farms, Inc Millsboro, DE
[mountaire.pdf](#)

The Mount Aire Order is still open based on a condition that they provide treatment to the residential wells until such time that the pre-treated water is reliably below the Nitrate MCL. Based on the quarterly monitoring reports, this provision of the Order has not been met (see attached).

From: Dinsmore, Andrew
Sent: Monday, September 18, 2017 12:02 PM
To: Bennett, James <bennett.james@epa.gov>; jennifer.roushey@state.de.us
Cc: McGuigan, David <McGuigan.David@epa.gov>; Zolandz, Mark
<Zolandz.Mark@epa.gov>; Greenwald, Michael <Greenwald.Michael@epa.gov>; Ashby,
Bryan A. (DNREC) <Bryan.Ashby@state.de.us>
Subject: FW: Question on EPA Enforcement for Mountaire Farms, Inc Millsboro, DE

Hello Jenn,

Jim Bennett is the SDWA Enforcement Branch Chief and likely will be able to answer your questions or point you to someone on his staff who can.

Funny thing, just as you sent this, I was on the phone with a citizen from Delaware who mentioned concerns regarding spray irrigation, including with Mountaire, Harim, and other operators. The caller specifically called concerning Clean Delaware, a septic operator. He said he had called DNREC previously and received a copy of the permit, but would call you back again to further discuss.

If you would like to discuss spray irrigation issues in general or specific to one of these sites, we are always available and willing to discuss.

Thank you!

Andy Dinsmore

NPDES Enforcement Branch Chief

US EPA, Region III

215-814-2788

From: Roushey, Jennifer S. (DNREC) [<mailto:Jennifer.Roushey@state.de.us>]

Sent: Monday, September 18, 2017 11:03 AM

To: McGuigan, David <McGuigan.David@epa.gov>; Dinsmore, Andrew <Dinsmore.Andrew@epa.gov>

Subject: Question on EPA Enforcement for Mountaire Farms, Inc Millsboro, DE

Good morning Andy and David,

I am hoping either of you could answer a question for me or direct me to the appropriate EPA contact. Attached is a 2003 EPA Order on Consent issued to Mountaire Farms, Inc. in Millsboro, DE under the Safe Drinking Water Act – Jon Capacasa signed it as Acting Director at the time. My question is whether or not the Order was ever deemed satisfied by EPA? We cannot find record in our files of written notice from EPA to Mountaire that the terms of the Order were satisfactorily completed.

This facility is currently permitted under DNREC's Spray Irrigation Program for wastewater disposal. They are out of compliance and some of their violations relate to the nitrate levels in their effluent which was the driver behind area drinking water impacts and EPA's 2003 Order. DNREC intends to proceed with enforcement for ongoing violations at the facility and therefore, wanted to first make EPA aware of the continued nitrate issues at the facility and inquire if "closure" was ever given by EPA on the 2003 Order.

To complicate matters, the facility has submitted a Coastal Zone Act Application to expand production at their facility. The CZA application is currently in the hands of the Secretary to render a decision by the end of October. Under the portion of the CZA Application that inquires if the property has been involved with a state or federal site cleanup program, Mountaire attached EPA's 2003 Order. In building a case for rendering a decision, it would be helpful for Secretary Garvin to know if the 2003 Order is considered resolved.

We meet with Mountaire on Wednesday to discuss their current spray irrigation permit (which they are appealing) and the current facility non-compliance issues. If you have any questions, or would like to call to discuss please feel free to reach out to me. My direct extension is 302-739-9349. Thanks in advance for your assistance!

Regards,

Jenn

Jennifer S. Roushey

Environmental Program Administrator

Director's Office

DNREC – Division of Water

(302)739-9949

From: Baust, Marlene M. (DNREC)

Sent: Tuesday, September 12, 2017 12:37 PM

To: Roushey, Jennifer S. (DNREC)
Cc: Baust, Marlene M. (DNREC)
Subject: Mountaire

Per our discussion yesterday, attached is the 2003 EPA Consent Order.